

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES" BY CREATING ARTICLE XIV ENTITLED "RESIDENTIAL TENANCIES"; BY CREATING ARTICLE 1 ENTITLED "NOTICE"; BY CREATING SECTION 18-710 ENTITLED "WRITTEN NOTICE REQUIRED"; BY CREATING SECTION 18-711 ENTITLED "PENALTIES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that there exists a critical shortage of residential rental units that typically serve long term and permanent residents of the city;" and

WHEREAS, the City Commission for the City of Key West finds that the increasingly limited inventory of long term and permanent residential units has created a critical demand, which in turn has driven up the rental rates for long term and permanent residential units, often times far beyond the ability of the workforce to afford; and

WHEREAS, the City Commission for the City of Key West finds that in many situations, tenants are informed of a

rate increase at the end of their tenancy without an opportunity to financially prepare to extend their lease, or make other housing arrangements and often times are left with no other option but to relocate out of Key West which has had a significant impact on the city's workforce;" and

WHEREAS, the City Commission for the City of Key West finds that all residential tenants in city are entitled to reasonable notice of rent increases;" and

WHEREAS, the City Commission for the City of Key West finds that the Residential Landlord and Tenant Act in Ch. 83 of Florida Statutes sets out the rights of landlords and tenants in Florida, however the Act does not set out any requirements for landlords who seek to increase rental rates;" and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 18 of the Code of Ordinances is hereby amended as follows*:

Article XIV Residential Tenancies

Article 1 Notice

Sec. 18-710. Fair Written Notice Required.

- (a) A residential tenancy without a specific duration in which the rent is payable on a monthly basis may be terminated by either the landlord or the tenant by giving not less than sixty calendar days' written notice prior to the end of any monthly period.
- (b) A residential landlord that proposed to increase the rental rate by more than five percent (5%) at the end of a lease for a specific term, or during a tenancy without a specific duration in which the rent is payable on a monthly basis, must provide sixty (60) days' written notice to the tenant before the tenant must either:
1. Accept the proposed increased amount;
 2. Reach an acceptable compromise in writing;
 3. Reject the proposed amendment to their tenancy.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

- (c) If at the expiration of the sixty days' written notice the parties have not resolved the issue of increased rent herein, the landlord may impose the amended terms or require the tenant to vacate the residence in accordance with Florida Law.
- (d) Except for the notice provisions as set forth herein, all other provisions of Part II, Ch. 83 of Florida Statutes shall govern residential tenancies.

Section 2: That Chapter 18 of the Code of Ordinances is hereby amended as follows*:

Section 18-711 Penalties

A violation of Sec. 18-710 shall be referred to the Code Compliance Special Magistrate for proceedings consistent with Ch. 2, Article VI of the Code of Ordinances for the City of Key West.

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance

shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission

Read and passed on first reading at a regular meeting held this _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK